SEATH HOLSWICH MP – STATE MEMBER FOR PINE RIVERS

QUESTION WITHOUT NOTICE – ESTIMATES HEARING

10th October 2012

SUSTAINABLE PLANNING ACT REFORMS

Mr HOLSWICH: Deputy Premier, how will the proposed amendments to the Sustainable Planning Act 2009 reform Queensland's planning and development system?

Mr SEENEY: Thank you, member for Pine Rivers. I think I will ask the Assistant Minister for Planning Reform, Ian Walker, to again talk to you about the amendments to the Sustainable Planning Act.

Mr WALKER: Thanks, Deputy Premier. There are a number of amendments that are contained in the Sustainable Planning Act amendment regime that will change the face of planning in Queensland and, as I pointed out earlier, they have come from a series of lengthy discussions with the stakeholders involved. The first of these is that the master planning provisions of the act will be removed. They have essentially proved to be unsuccessful in any of the master planned communities to date and they remove a significant chunk of the act which has simply been shown not to work and there are other options under the legislation which allow master planned communities to proceed. There will be appropriate transitional provisions to ensure that those master plans that have been approved can continue in force.

There are a number of areas in the area of applications that proponents have for their developments that presently trip them up with technical issues, and they will be resolved. So councils will be able to deem applications properly made that fall short of some technical requirements to allow applications to proceed quickly and we are uncoupling the requirement for a state resource entitlement to be obtained prior to a planning application, allowing the proponent to make the choice as to whether he wants to do that in that order or whether she wants to do that in an uncoupled way. There is a single state concurrence agency, as has previously been explained. There is also amendment to the cost rules in the planning court which will return to a situation where the judge has a discretion in relation to the award of costs in the planning court but with a default position that costs follow the event, which is the normal situation in the planning court. That is because there have been a number of irregularities brought forward by the current procedure in the court where each party bears its own costs in the normal course and the intent is to ensure that those anomalies are fixed.

In addition, there will be encouragement to mediation in the court. A mediated solution will mean that in general no costs will be awarded, so there will be an encouragement for people to mediate and resolve their court cases by mediation rather than proceeding to trial. In addition—and I think this is an important addition—there will be an ability by the judge of the planning court to authorise the mediator of the court not only to mediate a dispute but to actually resolve it, and that will be done with less formal procedures than it is in the court and with a no cost regime. So for small people who at the moment have trouble approaching the court because of the cost regime and because of the complexity of the legal system, they will be able to have their disputes resolved at a much simpler and lower level and with no costs applying. That will help do two things: it will allow the ordinary person to approach the court without the fear of a costs order on a small matter and it will also take those out of the higher level court procedure and allow those to flow more freely. So I think they are important changes to our procedures.